



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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TO: PATRICK OGAWA
Acting Executive Officer
Executive Office Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Jose Aguirre v. County of Los Angeles, et al.
United States District Court Case No. CV 09-06222

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jose Aguirre v. County of Los Angeles, et al., United States District Court Case No. CV 09-06222 in the amount of \$178,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of excessive force by Sheriff's Deputies on an inmate at Men's Central Jail.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jose Aguirre vs. County of Los Angeles
CASE NUMBER	CV 09-6222
COURT	United States District Court
DATE FILED	5/26/2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 178,000
ATTORNEY FOR PLAINTIFF	Jeff Dominic Price
COUNTY COUNSEL ATTORNEY	Edwin Lewis
NATURE OF CASE	<p>This is a recommendation to settle for \$178,000, the lawsuit filed by Jose Aguirre alleging excessive force and federal civil rights violations.</p> <p>The involved Deputies claim their actions were reasonable under the circumstances.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$178,000 is recommended. Plaintiff Jose Aguirre, who was an inmate on 4/25/2008, alleges that he was attacked by Deputy Sheriffs in the jail while he was handcuffed.</p>
PAID ATTORNEY FEES, TO DATE	\$ 133,548
PAID COSTS, TO DATE	\$ 13,688

Case Name: Jose Phillip Aguirre v. County Of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Friday, April 25, 2008, 0625 hours
Briefly provide a description of the incident/event:	<p>This event occurred on April 25, 2008, at approximately 0625 hours and was categorized as an Assault on a Deputy Sheriff by an Inmate (Plaintiff) which resulted in Deputy Personnel using force on the Assaulting Plaintiff.</p> <p>The Plaintiff was being escorted to the shower area of Module 1750 in the Men's Central Jail. Plaintiff contends he was attacked while wearing handcuffs without provocation. The Assaulting Plaintiff was injured in the Use Of Force by Deputy Personnel who punched, kicked, OC sprayed and conducted a takedown of him in an effort to quell his resistance and assaultive kicks.</p> <p>At the conclusion of the Assault and Use Of Force the Plaintiff sustained injury to the right side of his face (fractured eye orbital), a bloody nose, lacerations on his left shin and right hip and OC exposure to his face which caused skin redness.</p> <p>The Plaintiff was taken to LCMC via ambulance, where he was treated for his injuries and returned back to MCJ.</p> <p>On October 16, 2008, the Executive Force Review Committee convened and conducted a review regarding the facts in this case. The applicable policies that were evaluated by the committee were: MPP 3-01/025.00 Use Of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. The Committee determined the Use Of Force used by all involved Deputies was in compliance with Department Policy. (Commander of Leadership and Training Division).</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

- Plaintiff was a K-10 High Power Inmate, who was being escorted to the shower in handcuffs at the same time another Inmate who was K-10/High Power, was being escorted down the same corridor to the shower. (MCJ Unit Order 5-17-033)
- The handling Deputy for Plaintiff did not have complete control of the Plaintiff, which left Plaintiff with the ability to cross the Red line and bump into Deputy 2. (MCJ Unit Order 5-17-033).
- K-10 Procedures: **MCJ Unit Order: 5-17-033 (OLD POLICY)** Effective Date: 11-07-97

Case Name: Jose Phillip Aguirre v. County Of Los Angeles, et al.

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

A- K-10 Procedures: **Unit Order: 5-17-033 (New Policy)**

Revision Date: 12-12-08

Revision Date: 08-14-13

Implementation of MCJ K-10 Escort Policy:

- Which would prevent the escort of any two K-10 Inmates in the hallway at the same time.
- This policy also states Escort personnel will handcuff, maintain physical control and escort the inmate to the shower, in boxer shorts with a towel;
- TWO deputies - shall be present when K-10 inmates are escorted to and from the shower - **No Exceptions.**

Completed by September 30, 2015

Responsible person: Assistant Sheriff, Terri McDonald

3. Are the corrective actions addressing department-wide system issues?

☒ Yes – The corrective actions address department-wide system issues.

☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)

Ralph G. Omeles

Signature:

Ralph G. Omeles

Date:

9-1-15

Name: (Department Head)

DAVID L. FENDEN

Signature:

David L. Fenden

Date:

9/1/15

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Destiny Castro

Signature:

Destiny Castro

Date:

9/3/2015